



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,292	12/22/1999	GLENN D. BEGIS	884.171USA1	5981

21186 7590 10/03/2002

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

WANG, LIANG-CHE A

ART UNIT	PAPER NUMBER
----------	--------------

2183

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.


TR

Office Action Summary

Application No.

09/470,292

Applicant(s)

BEGIS, GLENN D. 

Examiner

Liang-che Alex Wang

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/22/99 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 have been examined.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show detailed label for Element 100 in Fig. 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Please provide **Element 100 in Figure 1** with English description.

3. The drawings are objected to because of the following informality:

- a. The “Y” and “N” next to box 202 in Fig 2 should be changed to “Yes” or “No” for clarification purpose.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The term “**Figure 1**” on Page 9 line 15, should be changed to “**Table 1**,” since “the modes” is disclosed on “**Table 1**”, not “**Figure 1**.”

Claim Objections

6. Claim 20 is objected to because of the following informalities:

- a. The term “**state**” in Claim 20 line 3 should be changed to “**mode**” to keep the consistency with the specifications.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
9. Claims 1, 2, 5-12, 15-18 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Perrone, US Patent Number 6,418,199 B1, hereinafter Perrone.
10. Referring to Claim 1, Perrone has taught a method for controlling the stream of voice data in a local area network (Col 5 lines 24) comprising:

Art Unit: 2183

- a. Identifying at least one device to be used in a connection among a plurality of devices (See Figure 2A, the server and clients in the network are all considered as devices) coupled to the local area network. (Col 5 line 24 indicates the network 6 on Fig 1A could be a Local Area Network.) (See Col 3 lines 47-52, the server is able to identify the device in order to process the voice command received from the clients.)
 - b. Identifying at least one mode for each of the at least one device to be used in the connection. (The mode, as applicant described, is the mode of a source device that is transmitting the data and a sink device that is receiving data. See Col 3 lines 47-52, the client transmitting the voice data and server acknowledged the received voice data.)
 - c. Setting at least one mode for at least one device. (See Col 3 lines 47-52, the mode is being set as the client is transmitting and the server is receiving.)
11. Referring to Claim 2, Perrone has taught an invention as described in Claim 1. Perrone has further taught identifying the mode for each device comprises identifying at least one sink (Col 3 lines 47-52, the server is the sink which receives the voice data from the client) and at least one source (the client is the source which transmitted the voice data to the server) for the connection.
12. Referring to claim 5, Perrone has taught an invention as described in Claim 1. Perrone has further taught setting the at least one mode of the at least one device comprises setting at least one mode of at least one of a server (See Fig 1A, element 8 is a server), a telephone (See Fig 1A, element 10) and a computer (See Fig 1A, element 4).

Art Unit: 2183

13. Referring to claim 6, Perrone has taught an invention as described in Claim 1. Perrone has further taught setting at least one mode of one device to communicate as a source for multiple devices on the local area network. (See Figure 1A, where the devices are connected to a network, inherently, a device could interact with more than one other devices on the network at the same time. Therefore, setting at least one mode of one device to communicate as a source for multiple devices in a network was taught by Perrone.)
14. Referring to claim 7, Perrone has taught an invention as described in Claim 1. Perrone has further taught the invention including streaming data (Col 3 lines 47-52, the voice command being transmitted from the client to the server is the voice data being streamed) over the connection based on the at least one mode of the at least one device.
15. Referring to claim 8, Perrone has taught an invention as described in Claim 7. Perrone has further taught wherein the stream data comprises:
 - a. Transmitting voice signal from a telephone to a computer; (Col 4 lines 16-18, and Col 7 lines 52-53. It is well known in the art that a server could also be a computer.)
 - b. Processing the voice signal with the computer. (Col 7 lines 49-60, where the IVR (interactive voice response) is an application program running on the server, which process the voice signal.)
16. Referring to claim 9, Perrone has taught an invention as described in Claim 7. Perrone has further taught wherein the stream data comprises:
 - a. Providing voice data from a telephone to a server for transmission over another network. (Col 4, lines 16-18.)

Art Unit: 2183

b. Provide voice data to an application program running on a computer. (Col 7 lines 52-

53. IVR is an application program running on the computer.)

17. Referring to claim 10, Perrone has taught an invention as described in Claim 7. Perrone has further taught wherein the stream data comprises providing voice commands through a telephone to a computer to interact with an external network. (Col 3 lines 47-52 and also see rejection to Claim 8, where the computer, could have the capability to connect to the Internet.)

18. Referring to Claims 11, 12, 15, and 16, the Claims 11, 12, 15, and 16 encompasses the same scope of the invention as that of the Claims 1, 2, 5 and 6. Therefore, the Claims 11, 12, 15, and 16 are rejected for the same reason as the Claims 1, 2, 5 and 6.

19. Referring Claim 17, Perrone has taught a local area network (Col 5 lines 24), comprising:

- a. A server/gateway coupled to at least one external network. (See Fig 1A, where the network would have the server to connected to an external network. Perrone has taught using the voice command from the client to control the remote server, therefore, there must be a server/gateway couple to an external network.)
- b. A plurality of devices that send and receive voice data coupled to a server. (See Col 3 lines 47-52, the client transmitting the voice data and server acknowledged the received voice data. And also see Figure 1A, the network inherently have a plurality of devices.)
- c. A signal stream controller, associated with the server/gateway and the device that selects a mode of operation for selected ones of the server/gateway and the plurality

Art Unit: 2183

of devices. (See Col 3 lines 47-52, the mode is being set as client is transmitting and the server is receiving.)

20. Referring to claim 18, Perrone has taught an invention as described in Claim 17, Perrone has further taught wherein the plurality of devices comprises:

- a. At least one telephone coupled to the server/gateway; (see Figure 1A of Perrone)
- b. At least one computer coupled to the server/gateway coupled to the telephone. (See Figure 1A of Perrone)

21. Referring to Claim 22, Perrone has taught an invention as described in Claim 17, Perrone has further taught wherein the at least one computer includes an application program that responds to voice commands from at least one of the at least one telephone and the at least one external network. (Col 3 lines 47-52, the voice command is being sent from the client to the server, where the client is the telephone as described earlier in this Office Action.)

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 3, 4, 13, 14, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrone in views of Klug, US Patent Number 5,799,320 (herein after Klug.)

Art Unit: 2183

24. Referring to Claim 3, Perrone has taught an invention as described in Claim 1, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Perrone has not taught to include locking the mode of at least one device during the connection.

Klug has taught a locking mechanism to lock out PC from accessing data when there is a large number of PC accessing data and caused the system to be slow.

However, a person with ordinary skill in the art would have realized that when there are plurality of devices are running at the same time, the system may be slow down as Klug has taught in Col 11 lines 11-12. Locking a mode would speed up the process of the particular mode.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time when the invention was made, to include a locking mechanism to lock the mode of at least one device during the connection as taught by Klug to prevent slow down of the system, which caused by large number of devices have access to the file at the same time.

25. Referring to Claim 4, Perrone has taught an invention as described in Claim 1, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Perrone has not taught to use a semaphore to prevent multiple devices from simultaneously changing mode.

Klug has taught the use of a semaphore. (Col 2, line 66)

However, a person with ordinary skill in computer networking art would have realized that, the using of a semaphore to prevent simultaneous change of state during the computer process is well known in the art. Without a semaphore, the mode could be changed any time during the process. System would become chaos and system process would not be functioned well.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a semaphore to prevent multiple devices from simultaneously changing modes as taught by Klug to facilitate process of the system.

26. Referring to Claims 13 and 14, the Claims 13 and 14 encompasses the same scope of the invention as that of the Claims 3 and 4. Therefore, the Claims 13 and 14 are rejected for the same reason as the Claims 3 and 4.

27. Referring to Claim 20, Perrone has taught an invention as described in Claim 17, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Perrone has not taught to include a semaphore to prevent multiple devices from simultaneously changing mode.

Klug has taught the use of a semaphore. (Col 2, line 66)

However, a person with ordinary skill in computer networking art would have realized that, the using of a semaphore to prevent simultaneous change of state during the computer process is well known in the art. Without a semaphore, the mode could be changed any time during the process. System would become chaos and system process would not be functioned well.

Art Unit: 2183

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a semaphore to prevent multiple devices from simultaneously changing modes as taught by Klug to facilitate process of the system.

28. Referring to Claim 21, Perrone has taught an invention as described in Claim 17, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Perrone has not taught to include a locking mechanism that locks the mode of at least one device during the connection.

However, Klug has taught a locking mechanism to lock out PC from accessing data when there is a large number of PC accessing data and caused the system to be slow.

A person with ordinary skill in the art would have realized that when there are plurality of devices are running at the same time, the system may be slow down as Klug has taught in Col 11 lines 11-12. Locking a mode would speed up the process of the particular mode.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a locking mechanism to lock the mode of at least one device during the connection as taught by Klug to prevent slow down of the system, which caused by large number of devices have access to the file at the same time.

29. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrone in views of Henley, US Patent Number 5,526,353 (herein after Henley.)

30. Referring to Claim 19, Perrone has taught an invention as described in Claim 17, Perrone has further taught the plurality of devices includes an Internet Protocol phone. (Col 4, lines 21-23 of Perrone.)

Art Unit: 2183

Perrone has not taught the plurality of devices includes at least one of an Ethernet.

Henley has taught the plurality of devices includes at least one of an Ethernet. (See Figure 1, element 130 of Henley)

A person with ordinary skill in the art would have realized that a plurality of devices in a network could have various types of devices to be included. For example, Servers, computers, phones, Internet phones, faxes, web camera, printers, Ethernet, scanner and etc. are all common devices to be included in a network.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include at least one of an Ethernet in the plurality of devices in the network as taught by Henley. Because Ethernet is a common device to be included in a network.


Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
32. Urs et al., US Patent Number 6,363,349 B1 has taught method and apparatus for performing distributed speech processing in a communication system.
33. Echols et al., US Patent Number 6,430,175 B1 has taught a telephony web browser is connected to a switch to receive customer signals over a voice channel and switch signals over a data channel.

Art Unit: 2183

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-3391. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sheikh Ayaz R can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.
36. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Liang-che Alex Wang LW
September 30, 2002


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100